

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RUTH SMITH, Individually and as Widow
for the Use and Benefit of Herself and the
Next of Kin of RICHARD SMITH, Deceased,**)
Plaintiff,)
Case #: 3:05-00444
Judge Trauger
)
)
-against-)
)
**PFIZER INC., PARKE-DAVIS,
a division of Warner-Lambert Company
and Warner-Lambert Company LLC,
WARNER-LAMBERT COMPANY,
WARNER-LAMBERT COMPANY LLC and
JOHN DOE(S) 1-10,**)
Defendants.)

**DECLARATION OF KENNETH B. FROMSON, ESQ.
IN SUPPORT OF PLAINTIFF'S MOTION *IN LIMINE*
TO EXCLUDE THE TESTIMONY OF SHEILA WEISS SMITH, Ph.D.**

I, Kenneth B. Fromson, declare under penalty of perjury as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.

2. This declaration is submitted in support of the motion by Plaintiff, pursuant to the standards of expert evidence enunciated in *Daubert* and its progeny and Rule 702 of the Federal Rules of Evidence, for an Order excluding the testimony of Pfizer Defendants' expert Sheila Weiss Smith, Ph.D.

3. The following documents are attached hereto in support of this motion:

Exhibit A - Initial Expert Report of Dr. Weiss Smith

Exhibit B – Supplemental Report of Dr. Weiss Smith

Exhibit C – Transcript from the January 9, 2008 deposition of Dr. Weiss Smith (selected pages)

Exhibit D – Transcript from the December 22, 2008 deposition of Dr. Weiss Smith

Exhibit E – Guidance for Pharmacovigilance

Exhibit F - Expert Report of Cheryl Blume, Ph.D.

Exhibit G – Chart from the Altman Affidavit

Exhibit H – FDA Alert

Exhibit I – Isotretinoin (Accutane) and serious psychiatric adverse events. O'Connell et al., Journal of the American College of Dermatology. Feb. 2003, pt 1, 48:20

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2010

/s/ Kenneth B. Fromson

Kenneth B. Fromson
FINKELSTEIN & PARTNERS, LLP
1279 Route 300, P.O. Box 1111
Newburgh, NY 12551
(800) 634-1212

Attorneys for Plaintiff Ruth Smith

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

Aubrey B. Harwell, Jr., Esq.

W. David Bridgers, Esq.

Gerald D. Neenan, Esq.

Robert A. Peal, Esq.

Neal & Harwell, PLC

2000 One Nashville Place

150 Fourth Avenue, North

Nashville, TN 37219

Prince C. Chambliss, Jr., Esq.

Evans & Petree, PC

1000 Ridgeway Loop Road, Suite 200

Memphis, TN 38120

Mark S. Cheffo, Esq.

Catherine B. Stevens, Esq.

Skadden, Arps, Slate, Meagher & Flom LLP

Four Times Square

New York, NY 10036

/s/ Kenneth B. Fromson

Kenneth B. Fromson